

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CHRISTINE RUARK,

Plaintiff,

v.

LIBERTY LIFE ASSURANCE COMPANY
OF BOSTON AND MASSACHUSETTS
MUTUAL LIFE INSURANCE COMPANY,

Defendants.

Civil Action No.: 04-30013-MAP

**JOINT MOTION TO FURTHER EXTEND ALL PRE-TRIAL
DEADLINES SCHEDULED TO DATE BY THREE WEEKS**

The parties in this matter jointly request that the Court further extend by three weeks all pretrial deadlines that the Court has scheduled to date, including but not limited to the deadline for Liberty Life Assurance Company of Boston and Massachusetts Mutual Life Insurance Company to provide a copy of the proposed record for judicial review, the deadline for Plaintiff to notify Defendants whether or not she believes the record is incomplete or inaccurate, the deadline for the parties to confer if the Plaintiff alleges that the record is incomplete or inaccurate, the deadline for filing of a partial record for judicial review if the parties cannot agree on the record, the deadline for motions concerning any additional material the parties seek to have added to the record if they cannot agree on the applicable record and the deadline for oppositions to such motions, the deadline for the parties to confer regarding the applicable scope of judicial review, the deadline for the parties to submit memorandum if they do not agree on the scope of judicial review, the deadline to file motions for discovery if a party proposes that discovery is necessary, and the conference on October 28, 2004 to discuss these matters.

In support of this motion, the parties state the following:

1. This case involves a denial of long-term disability benefits for Plaintiff under a group disability policy held by Plaintiff's employer. This claim is brought under the Employee Retirement Income Security Act ("ERISA").
2. The Court issued its Order on May 5, 2004, providing a schedule for pretrial deadlines up to but not including motions for summary judgment and setting a conference for these pretrial matters. The Court then issued its Revised Order on June 16, 2004.
3. The parties now request a further extension of time on all pretrial deadlines because they continue to be engaged, in earnest, in discussions to attempt to resolve this matter, which would obviate the need for further court proceedings.
4. The parties, therefore, request the following pre-trial deadlines:

Deadline for Defendants to provide a copy of the proposed record for judicial review to Plaintiff	August 5, 2004
Deadline for Plaintiff to notify Defendants whether she believes record is incomplete or inaccurate	August 19, 2004
Deadline for parties to confer to attempt to ascertain an agreed record, if necessary	September 3, 2004
Deadline for parties to file Partial Record for Judicial Review containing particular record upon which they agree	September 13, 2004
Deadline to file motions concerning any additional material the parties seek to have added to the record for judicial review	September 20, 2004
Deadline for opposition to motions concerning any additional material the parties seek to have added to the record	October 18, 2004
Deadline for parties to confer regarding applicable scope of judicial review	September 3, 2004
Deadline to file memorandum if parties disagree about scope of Court's review	September 20, 2004
Deadline to file motion for further discovery	September 20, 2004

Conference to consider above matters

November 18, 2004

5. This motion is filed as a joint motion and, therefore, both parties assent to the allowance of this motion.

WHEREFORE, the parties respectfully request that this Court grant an extension of one month on all pretrial deadlines because they are engaged in discussions to attempt to resolve this matter.

Respectfully submitted,

LIBERTY LIFE ASSURANCE COMPANY
OF BOSTON AND MASSACHUSETTS MUTUAL LIFE
INSURANCE COMPANY
By their attorneys,

/s/ (Richard Paterniti)
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Dated: July 14, 2004

CHRISTINE RUARK
By her attorney,
/s/ (Robert Dambrov by RWP)
Robert L. Dambrov
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Dated: July 14, 2004

CERTIFICATE OF SERVICE

A copy of the above document was served this 14th day of July, 2004, by first class mail, postage prepaid, on attorney for the Plaintiff, Robert L. Dambrov, Esq., Cooley, Shair, P.C., 1380 Main Street, Springfield, MA 01103.

/s/ Richard W. Paterniti
Jackson Lewis LLP